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10/591,385	05/31/2007	Michael J. Wynne	G40.2-13340	1895
499 7590 04/26/2011 VIDAS, ARRETT & STEINKRAUS, P.A. SUITE 400, 6640 SHADY OAK ROAD EDEN PRAIRIE, MN 55344				
EXAMINER				
WRIGHT, BRYAN F				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/591,385

**Applicant(s)**

WYNNE ET AL.

**Examiner**

BRYAN WRIGHT

**Art Unit**

2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/2/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-040)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date 3/10/2011
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/2/2010 has been entered. Claims 1, 11, 21 and 22 are amended. Claims 3 and 13 are canceled. Claims 1, 2, 4-12 and 14-22 are pending.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The Examiner notes applicant's claims 22 recites "A computer useable medium having a computer readable program code embodied therein for causing a computer to operate in accordance with an access control " however applicant 's specification paragraph 136 recite a "program code stored or available from computer readable media".

### ***Claim Rejections - 35 USC § 112***

Regarding claim 1, the word "means" is preceded by the word(s) "database" in an attempt to use a "means" clause to recite a claim element as a means for performing

a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 22 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Currently, claim 22 is drawn to a medium. The term "medium" however under the broadest interpretation includes a transitory signal for which the office considers to be non-statutory subject matter. As such the applicant is advised to include either in the claim language or in the specification subject matter reciting that the medium does not include a signal.

Additionally, the applicant is advised to amend paragraph 136 as follows.

a. Remove subject matter reciting, "The computer readable media may include transmission media, such as cabling fibre optics or any other form of transmission media".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 4-12 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hearn et al. (US Patent Publication No.2005/0091522 and Hearn hereinafter) in view of Wissenbach et al. (US Patent Publication No. 2004/0243772 and Wissenbach hereinafter) and further in view of Fong et al (US Patent Publication No. 2005/0050175 and Fong hereinafter).

4. As to claims 1, 11, 21 and 22, Hearn teaches a access control system for controlling access to data stored on at least one data storage medium of a computing system (i.e., ...teaches access control for partition storage [par. 140]), the access control system comprising: authentication means to authenticate users permitted to access data stored in the at least one data storage medium (i.e., ...teaches using login

credential (e.g., user password) to authenticate a user [par. 138-140], the authentication means authenticating users as a super user (e.g., administrator) or a normal user (e.g., user) (i.e., ...discloses both a administrator and user authentication means [par. 160]); and database means arranged to store a separate data access profile file for each user permitted to access data stored in the at least one data storage medium (i.e., ...teaches maintaining data access profiles for each user [par. 158]); wherein each data access profile includes information indicative of the degree of access permitted by the user associated with the data access profile to data stored in the at least one data storage medium (i.e., ...teaches the security device 35 only allows or disallows access to relevant partitions and files within the storage media 21 in conformance with the set user data access profile [par. 151]);

wherein if a first user is authenticated as a normal user (i.e., ...teaches authenticating a regular user [par. 138-141]),

Hearns teachings do not expressly teach applicant's claim limitations of:

wherein each data access profile includes both a master data access profile and wherein the master data access profile is modifiable by a super user but not by a normal user wherein if a first user is authenticated as a normal user. The Examiner notes in this instance the teaching of prior art reference Wissenbach. Wissenbach's teachings establishes that the concept of maintaining two types of user profiles for a particular user was known at the time of applicant's original filing date. Wissenbach's teachings disclose the use of a customize profile (e.g., current data access profile) or default profile (e.g., master access profile) for a particular user. See Wissenbach paragraphs

33 and 34. Wissenbach's teachings additionally disclosed that a super user can modify a user's profile. See Wissenbach paragraph 33 and 34. Therefore given the system disclosed above by Hearn, a person of ordinary skill in the art would have recognized the advantage of modifying the system to enhance access security for partition storage by employing the Wissenbach's concept of maintaining two profiles for a given user.

The teachings of Hearn and Wissenbach do not expressly teach:

the current data access profile of the first user is being modifiable by the first user within parameters defined by the master data access profile. In this instance the Examiner notes the teachings of prior Fong. Fong discloses allowing profile data to be changed within the scope of template profile data (e.g., master access profile). Additionally the Examiner notes that the applicant discloses in paragraph 45 that the current profile values are modifiable as defined by the master access profile. Therefore given the system disclosed above by Hearn and Wissenbach, a person of ordinary skill would have recognized the advantage of modifying the system to enhance access profile maintainability by employing Fong's capability to allow profile parameter data to be modified in accordance to a base line profile (e.g., master access profile).

5. As to claims 2 and 12, the system of Hearn discloses utilizing profile data for the purpose of access control however the system does not disclose an access control system further comprising profile setting means arranged to facilitate creation of the master and current access profiles. The Examiner notes in this instance the teaching of

prior art reference Wissenbach. Wissenbach's teachings establishes that the concept of maintaining two types of user profiles for a particular user was known at the time of applicant's original filings. Wissenbach's teachings disclose the use of a customized profile (e.g., current data access profile) or default profile (e.g., master access profile) for a particular user. See Wissenbach paragraphs 33 and 34. Wissenbach's additionally disclosed that a super user can modify a user's profile. See Wissenbach paragraph 33 and 34. Therefore given the system disclosed above by Hearn, a person of ordinary skill in the art would have recognized the advantage of modifying the system to enhance access security for partition storage by employing the Wissenbach's concept of maintaining two profiles for a given user.

6. 3. (Cancelled).

7. As to claim 4 and 14, the system of Hearn and Wissenbach discloses utilizing profile data for the purpose of access control however the system does not disclose a access control system where said access control system is activatable so as to permit modification of the current access profile and deactivatable so as to prevent modification of the current access profile. In this instance the Examiner notes the teachings of prior Fong. Fong discloses allowing profile data to be changed within the scope of template profile data (e.g., master access profile). Additionally the Examiner notes that the applicant discloses in paragraph 45 that the current profile values are modifiable as defined by the master access profile. Therefore given the system

disclosed above by Hearn and Wissenback, a person of ordinary skill would have recognized the advantage of modifying the system to enhance access profile usage by employing Fong's capability to allow profile parameter data to be modified in accordance to a base line profile data (e.g., master access profile).

8. As to claims 5 and 15, Hearn teaches an access control system where the access control system is implemented at least in part in the form of software [par. 125].

9. As to claims 6 and 16, Hearn teaches an access control system where the access control system is implemented at least in part in the form of hardware [par. 127].

10. As to claims 7 and 17, Hearn teaches an access control system, wherein the access control system is arranged to govern user access profiles used by a security device configured to control access to a data storage medium (i.e., ...teaches access control for partition storage [par. 140]).

11. As to claims 8 and 18, Hearn teaches an access control system where the security device is implemented at least in part in hardware and is of a type located between a data storage medium of a computing system and a CPU of the computing system [fig. 1].

12. As to claims 9 and 19, Hearn teaches a access control system where the security device is implemented at least in part in hardware and is of a type incorporated into bus bridge circuitry of a computing system [par. 127].

13. As to claims 10 and 20, the system of Hearn and Wissenback discloses utilizing profile data for the purpose of access control however the system does not disclose access control system wherein the access control system is incorporated into a computing system having an operating system and the current access profile is modifiable after loading of the operating system In this instance the Examiner notes the teachings of prior Fong. Fong discloses allowing profile data to be changed within the scope of template profile data (e.g., master access profile). Additionally the Examiner notes that the applicant discloses in paragraph 45 that the current profile values are modifiable as defined by the master access profile. Therefore given the system disclosed above by Hearn and Wissenback, a person of ordinary skill would have recognized the advantage of modifying the system to enhance access profile usage by employing Fong's capability to allow profile parameter data to be modified in accordance to a base line profile data (e.g., master access profile).

14. 13. (Cancelled).

***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 4-12 and 14-22 have been considered but are moot in view of the new ground(s) of rejection.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Flynn Nathan can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/

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